

REMARKS

This responds to the Office Action dated April 4, 2007.

Claims 1, 12, and 73-75 are amended, claims 11 and 70-72 are canceled, and claims 76-79 are added; as a result, claims 1-10, 12-14, and 73-79 are now pending in this application.

§103 Rejection of the Claims

Claims 1-14 and 70-75 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dennis et al. (U.S. Patent No. 6,114,164, herein “Dennis”) in view of Kofidis et al. (Journal of Thoracic and Cardio. Surg., herein “Kofidis”), Farb et al. (U.S. Patent No. 6,048,722, herein “Farb”), Bursac et al. (Am. J. Physiol. 277, herein “Bursac”) and Terracio et al. (In Vitro Cell. And Develop Bio., herein “Terracio”).

Claim 1

Claim 1 has been amended to better describe the recited subject matter.

Applicant respectfully traverses the rejection and submits that the Office Action does not set forth a proper *prima facie* case of obviousness because the cited portions of Dennis, Kofidis, Farb, Bursac, and Terracio, individually or in combination, do not provide the claimed subject matter. For example, Applicant is unable to find in the cited portions of Dennis, Kofidis, Farb, Bursac, and Terracio, individually or in combination, among other things, a memory circuit including an instruction set adapted to condition cells for administration into tissue of myocardium, the instruction set defining a predetermined sequence of one or more of electrical, mechanical, and biological stimuli, and a controller adapted to control the cardiac electrical stimulator, the myocardial stress simulator, and the biological treatment administration module by automatically executing the instruction set, as recited in claim 1.

As amended, claim 1 includes elements similar to those of claim 72, which has been canceled. Claim 72 was rejected on the ground that Dennis “discloses a user interface (52) that includes input device, memory and a display which allow manipulation of the conditions within the system”. However, Applicant is unable to find in Dennis the instruction set adapted to

condition cells for administration into tissue of myocardium and defining a predetermined sequence of one or more of electrical, mechanical, and biological stimuli.

Additionally, the Office Action does not provide proper reasoning supporting the proposed combination of references. For example, the Office Action states that Kofidis “discloses that it is known in the art to not only electrically stimulate cardiac cells in vitro but to also chemically stimulate the cells in vitro (See page 65, column 1, first paragraph).” However, Applicant is unable to find in the cited portions of Kofidis how its “cardiac cells” are “electrically stimulated” or a combined electrical and chemical stimulation.

Applicant respectfully requests reconsideration and allowance of claim 1.

Claim 2-14 and 70-75

Claims 11 and 70-72 have been canceled. Their elements have been included in claim 1 by previous and current amendments.

Claim 12 has been amended to be dependent on claim 10.

Claims 73-75 have been amended to correct an editorial error.

Applicant respectfully traverses the rejection. Claims 2-10, 12-14, and 73-75 are dependent on claim 1, which is believed to be allowable for at least the reasons set forth above. Therefore, the discussion above for claim 1 is incorporated herein to support the patentability of claims 2-10, 12-14, and 73-75.

Applicant respectfully requests reconsideration and allowance of claims 2-10, 12-14, and 73-75.

New Claims

New claims 76-79 have been added. Support for the new claims are found, for example, in page 58, lines 28 to page 59, line 2 and page 59, lines 5-10. Applicant believes that no new matter is added and that the new claims are appropriate for consideration in the present application.

Applicant respectfully requests consideration and allowance of claims 76-79.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 373-6965 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

STEVEN D. GIROUARD ET AL.

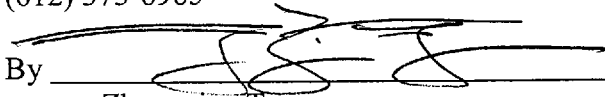
By their Representatives,

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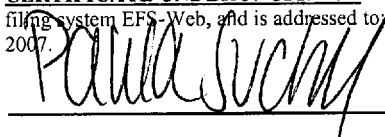
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By


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 3 day of July 2007.

Name



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